THE HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

WRIT PETITION NO. 9969 OF 2001

DATED: 19-10-2005

Between

Dr. K. Viswanadham.

..... PETITIONER

And

The Secretary, Regional Transport Authority,

Karimnagar, Karimnagar District and another.

..... RESPONDENTS

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WRIT PETITION NO. 9969 OF 2001

ORDER:

The petitioner's vehicle bearing No. MGM 9156 was seized by the 2nd respondent under vehicle check report No. 261902 on the ground that it was being plied as an ordinary stage carriage permit without permit, F.C., I/C, PUC certificate and without paying tax and that the driver of the vehicle was driving the vehicle without driving licence. The vehicle check report itself is challenged in this writ petition on various grounds.

This Court, by its order dated 16-05-2001, while admitting the writ petition directed release of the vehicle subject to the condition of the petitioner paying a sum of Rs.3,000/- and filing an undertaking not to alienate the vehicle and to produce the same as and when required. The vehicle obviously appears to have been released by the respondents pursuant to the interim direction.

This Court in exercise of its jurisdiction under Article 226 of the Constitution of India normally does not undertake to adjudicate the disputed questions of fact and therefore, it is not possible for this Court to verify the truth or otherwise of the allegations levelled against the petitioner in the impugned vehicle check report. It is

the subject matter of enquiry by the respondents for which purposes the petitioner shall be put on notice.

Having regard to the facts and circumstances of the case, I consider it appropriate to dispose of the writ petition with a direction to the respondents to proceed with the enquiry, if the same has not already been completed and pass appropriate orders in accordance with law. In case, if any adverse order is passed against the petitioner, he shall be entitled to question the same by availing such remedies as may be available to him in law.

The Writ Petition is accordingly disposed of. No order as to costs.

(B. Sudershan Reddy, J)

19..10..2005

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